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Technology Center 2100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

#3



In reply application of:

APPLICANTS: Mousseau et al.

TITLE: System and Method for Pushing Information from a Host System to a Mobile Data Communication Device

SERIAL NO.: 09/782,129

FILING DATE: February 13, 2001

EXAMINER: not yet assigned

GROUP ART UNIT: not yet assigned

ATTORNEY DOCKET NO.: 555255012193

HON. ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

**PETITION TO MAKE SPECIAL BECAUSE OF
ACTUAL INFRINGEMENT UNDER 37 CFR § 1.102**

In accordance with 37 CFR § 1.102(d) and MPEP § 708.02, applicants hereby petition to make the above referenced application special because of actual infringement. This application is a divisional of US Patent Application Serial No. 09/087,623, filed May 29, 1998.

As required by MPEP § 708.02, applicants enclose herein a Declaration of David B. Cochran In Support Of Petition To Make Special Because Of Actual Infringement.

The petition fee of \$130 under 37 CFR § 1.17(i) also accompanies this petition. The Assistant Commissioner is hereby authorized to charge any additional fees which may be required by this paper to Jones, Day, Reavis & Pogue Deposit Account Number 501432, account 555255012193.

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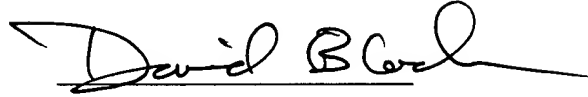
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DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on 5-1-2001

By: Deborah A. Sateran

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David B. Cochran", with a horizontal line drawn underneath the name.

David B. Cochran
Reg. No. 39,142
JONES, DAY, REAVIS & POGUE
901 Lakeside Ave.
Cleveland, Ohio, 44114

Date: 4/30/01

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application of:

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HON. ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

**DECLARATION OF DAVID B. COCHRAN IN SUPPORT OF PETITION
TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT**

I, David B. Cochran, am the Attorney of Record in this case and make the following declarations:

1. There is an infringing device actually on the market and an infringing method in use.
2. I have made a rigid comparison of the alleged infringing device and method with the claims of the above referenced application. In my opinion, some of the claims are unquestionably infringed.
3. I have a good knowledge of the pertinent prior art. All such material art is already of record, having been filed in an Information Disclosure Statement.

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231
on 5-1-2001

By: Deborah A. Satoran

Respectfully submitted,

David B. Cochran

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Cleveland, Ohio, 44114

Date: 4/30/01